

Practitioner's Docket No. 1062/D70

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Demers et al.,

Application No. 10/696,969

Group No.: 3753

Filed: October 30, 2003

Examiner: Not Yet Assigned

For: SYSTEM, DEVICE, AND METHOD FOR MIXING A SUBSTANCE WITH A LIQUID

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING DATE OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Date: December 13, 2005

Jeffrey T. Klayman

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**TIME OF TRANSMITTAL OF ACCOMPANYING
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

1. The supplemental information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311

whichever occurs first.

FEE

2. Accompanying this transmittal is the fee for submission of an information disclosure statement under section 1.97(c). (\$180.00)

FEE PAYMENT

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$180.00

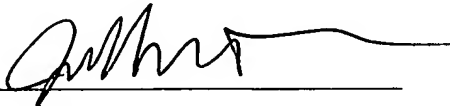
METHOD OF PAYMENT OF FEE

4. Attached is a check in the amount of \$180.00

Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 19-4972.

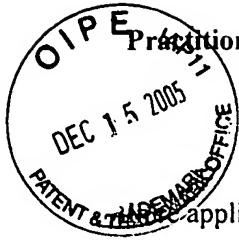
A duplicate of this paper is attached.

DATE: December 13, 2005



Jeffrey T. Klayman
BROMBERG & SUNSTEIN LLP
Customer Number 02101
125 Summer Street
Boston, MA 02110-1618
US

01062/00D70 447401.1



Petitioner's Docket No.

1062/D70

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Demers et al.

Application No. 10/696,969

Group No.: 3753

Filed: October 30, 2003

Examiner: Not Yet Assigned

For: SYSTEM, DEVICE, AND METHOD FOR MIXING A SUBSTANCE WITH A LIQUID

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

(Supplemental Information Disclosure Statement--page 1 of 6)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;

Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: December 13, 2005

Jeffrey T. Klayman

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).

"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: *"An information disclosure statement shall be considered by the Office if filed by the applicant:*

(1) Within three months of the filing date of a national application;

(2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or

(3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: *"Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).*

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application; and

(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

NOTE: *The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.*

WARNING: *"No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).*

List of Sections Forming Part of This Supplemental Information Disclosure Statement

The following sections are being submitted for this Supplemental Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Supplemental Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

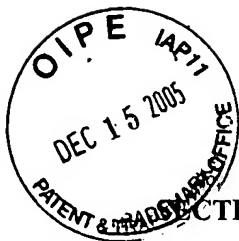
NOTE : *"Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).*

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this supplemental information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this supplemental information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.



SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Demers et al. Attorney Docket: 1062/D70
Serial No: 10/696,969 Art Group Unit: 3753
Date Filed: October 30, 2003 Examiner Name: Not Yet Assigned
Invention: SYSTEM, DEVICE, AND METHOD FOR MIXING A SUBSTANCE WITH A LIQUID

LIST OF PATENTS AND PUBLICATIONS FOR
APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

U.S. PATENT DOCUMENTS					
Examiner Initials	Reference Number	Document Number	Issue Date/ Publication Date	Inventor	Class/Subclass
	FN	2,525,251	Oct. 1950	Willard	449/17
	FO	2,776,854	Jan. 1957	Billstrom	292/256
	FP	2,834,504	May 1958	Joseph	220/211
	FQ	3,339,956	Sept. 1967	Bencene	292/127
	FR	3,481,076	Dec. 1969	Bedard	49/279
	FS	3,856,338	Dec. 1974	Johnsson	292/256
	FT	4,073,521	Feb. 1978	Mena	292/256.65
	FU	4,093,176	June 1978	Contastin	249/167
	FV	4,927,198	May 1990	Fennell et al.	292/306
	FW	5,186,333	Feb. 1993	Pierson et al.	209/370
	FX	5,150,796	Sept. 1992	Pierson	209/370
	FY	5,290,076	March 1994	Smith	292/25
	FZ	5,294,157	March 1994	Smith et al.	292/25
	GA	5,823,026	Oct. 1998	Finke	70/276
	GB	6,264,458	July 2001	Marcuz et al.	425/451.9
	GC	5,647,391	July 1997	Chan et al.	366/152.4
	GD	4,662,829	May 1987	Nehring	417/395
	GE	5,647,391	July 1997	Chan et al.	366/152.4
	GF	4,662,829	May 1987	Nehring	417/395

Examiner Signature: _____

Date Considered: _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included..."

NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

☒ Exception(s) to above:

U.S. patent citations are not included pursuant to the United State Patent and Trademarks Office's September 21, 2004 waiver of the copy requirement in 37 CFR 1.98 for cited pending U.S. patent citations when the patent citations are available in the USPTO's IFW system.

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

Section 10. Identification of Person(s) Making This Supplemental Information Disclosure Statement

The person making this certification is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

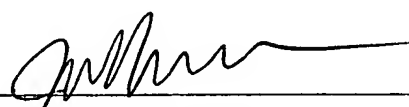
☒ in the practitioner's file.

Reg. No.: 39,250

Tel. No.: (617) 443-9292

Customer No.: 002101

01062/00D70 447368.1



SIGNATURE OF PRACTITIONER

Jeffrey T. Klayman

(type or print name of practitioner)

125 Summer Street, 11th Floor

P.O. Address

Boston, MA 02110